



Docket No.
K-1746RE

Declaration and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

In the Office Action of December 8, 1999 of Patent Application Serial No. 09/116,906, claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Aoki et al('391) (paragraph 5); claims 1-3 were rejected under 35 U.S.C. 102(b) as being anticipated by Mercedes Benz (EP0785101) (paragraph 6); and claims 4-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al('391) in view of Aoki et al ('371).

In response to the Office Action of December 8, 1999, an amendment was filed wherein claims 1-10 were canceled, and new claims 11-13 were filed. Claim 11 is read as follows:

11. A seat with a seat sensor, comprising:
a pressure sensitive sheet sensor for sensing a presser, and
a seat pad for allowing a user to sit thereon, said seat pad having a slit extending from one peripheral side of the seat pad to a middle area of the seat pad, said slit having a width and a height to allow the sheet sensor to enter from the one peripheral side to the middle area thereof so that the sheet sensor is disposed inside the seat pad.

In response to the above amendment, the final Action was issued on May 10, 2000, wherein claims 11-12 were rejected under 35 U.S.C. 102(b) as being anticipated by Harris (paragraph 3), and claims 11-13 were rejected under 35 U.S.C. 102(b) as being anticipated by Fontaine.

In response to the final Action, an amendment after final Action was filed on August 1, 2000, wherein claim 11 was amended as follows:

11. A seat with a seat sensor, comprising:
a pressure sensitive sheet sensor for sensing a [presser] pressure having a terminal and a cable for connecting the sheet sensor and the terminal, and
a seat pad for allowing a user to sit thereon, said seat pad having a slit extending horizontally from [one] a rear peripheral side of the seat pad to a middle area of the seat pad, said slit having a width and a height to allow the sheet sensor to enter from the [one] rear peripheral side to the middle area thereof so that the sheet sensor is disposed inside the seat pad, and the terminal projects from the rear side of the seat pad.

In response to the above amendment, an Advisory Action was issued wherein the amendment raise new issues, and claims 11-13 were rejected.

Since the above amendment did not introduce new issue, it was informed that the amendment did not introduce new issues. As a result, another Advisory Action was issued on October 20, 2000, wherein the amendment was entered and claims 11 and 13 were rejected.

In response to the Final Action, an appeal was filed on October 10, 2000.

In the Examiner's Answer mailed on February 27, 2001, the ground of rejection was changed and it was held that claims 11 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by Fontaine.

In the Decision on Appeal mailed on January 16, 2002 relative to the appeal filed on October 10, 2000, it was held from page 5, line 13 to page 6, line 5 that

"A fair reading of Fontaine supports the appellant's view that the reference discloses a pressure sensitive sheet sensor composed of separator 1, wire mesh contact sheets 2 and 3, conductive contacts 4 and arguably delay circuit 7. A person of ordinary skill in the art would readily appreciate that it is only through the cooperative interaction of these elements that the Fontaine device is capable of sensing pressure (i.e., the weight of a person sitting on the device). The delay circuit 7 does not, in and of itself, perform this function, and thus does not alone meet the "pressure sensitive sheet sensor" limitation in claim 11 as urged by the examiner. Since Fontaine does not disclose a seat pad having a slit as defined by claim 11 for receiving the foregoing pressure sensitive sheet sensor components, it does not respond to each and every element of the invention set forth in the claim."(emphasis added)

In the above decision, it was confirmed that Fontaine does not disclose the "pressure sensitive sheet sensor" and the "slit."

However, in claim 11 allowed in the application, it was defined as "said seat pad having a slit extending horizontally from a rear peripheral side of the seat pad to a middle area of the seat pad"(emphasis added). Namely, although the pressure sensitive sheet sensor and the slit were not disclosed in Fontaine, as confirmed by the Decision on Appeal, in response to the final Action before filing the appeal, claim 11 was limited too narrow.

The applicant believes the original patent to be partly inoperative or invalid by reason of the patentee claiming more or less than patentee had the right to claim in the patent.

In view of the decision on appeal, claim 11 can be limited as least, as follows:

11. A seat with a seat sensor, comprising:

a pressure sensitive sheet sensor for sensing a pressure having a terminal and a cable for connecting the sheet sensor and the terminal, and

a seat pad for allowing a user to sit thereon, said seat pad having a slit extending horizontally from a rear or front peripheral side of the seat pad to a middle area of the seat pad, said slit having a width and a height to allow the sheet sensor to enter from the rear or front peripheral side to the middle area thereof so that the sheet sensor is disposed inside the seat pad, and the terminal projects from the rear side of the seat pad.

All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicant.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SEAT WITH SEAT SENSOR

the specification of which
(check one)

☐ is attached hereto.

☒ was filed on March 9, 2004 as United States Application No. or PCT International
Application Number 10/795,810
and was amended on March 30, 2009 and December 3, 2009
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

<u>9-198413</u> (Number)	<u>Japan</u> (Country)	<u>24/07/97</u> (Day/Month/Year Filed)	<input type="checkbox"/>
<u> </u> (Number)	<u> </u> (Country)	<u> </u> (Day/Month/Year Filed)	<input type="checkbox"/>
<u> </u> (Number)	<u> </u> (Country)	<u> </u> (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

<u> </u> (Application Serial No.)	<u> </u> (Filing Date)
<u> </u> (Application Serial No.)	<u> </u> (Filing Date)
<u> </u> (Application Serial No.)	<u> </u> (Filing Date)

I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section

365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

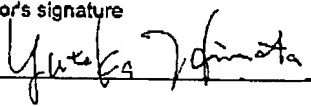
Manabu Kanesaka	Reg. No. 31,467
Kenneth M. Berner	Reg. No. 37,093

Send Correspondence to:

KANESAKA BERNER & PARTNERS
1700 Diagonal Road, Suite 310, Alexandria, VA 22314

Direct Telephone Calls to:

Manabu Kanesaka at telephone number (703) 519-9785

Full name of sole or first inventor	
Yutaka Hirata	
Sole or first inventor's signature	Date
	MAY. 6th. 2010
Residence	
Kanagawa, Japan	
Citizenship	
Japan	
Post Office Address	
c/o Yokohama Plant Bridgestone Corporation 1, Kashio-cho, Totsuka-ku, Yokohama-shi, Kanagawa, Japan	